

SOLICITOR

T O :	Mail Stop 8 Director of the U.S. Patent and Trademark Office - 8 P.O. Box 1450 Alexandria, VA 22313-1450	2009	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
	U.S. PATENT & TRADEMARK OFFICE		

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court EDNY on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 09CV4261	DATE FILED October 05, 2009	U.S. DISTRICT COURT EDNY
PLAINTIFF ArrivalStar S.A. and Melvino Technologies Limited		DEFENDANT TransportGistics, Inc.
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
6,317,060	11/13/2001	*See Attached Complaint for Details
6,952,645	10/04/2005	*See Attached Complaint for Details
7,030,781	4/18/2006	*See Attached Complaint for Details

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Robert C. Heinemann	(BY) DEPUTY CLERK <i>Sandra Carne</i>	DATE October 05, 2009
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 05 2009 ★

BROOKLYN OFFICE

ArrivalStar S.A. and Melvino Technologies
Limited,

Plaintiffs,

v.

TransportGistics, Inc.,

Defendant.

Civil Action No.

09

4261

COMPLAINT FOR PATENT
INFRINGEMENT AND
DEMAND FOR JURY TRIAL

SPATT, J.

ORENSTEIN, M.J.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively, "ArrivalStar" or "Plaintiff"), by and through their undersigned attorneys, for their complaint against Defendant TransportGistics, Inc., hereby allege as follows:

THE PARTIES

1. Plaintiff ArrivalStar S.A. is a corporation organized under the laws of Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.
2. Plaintiff Melvino Technologies Limited is a corporation organized under the laws of the British Virgin Island of Tortola, having offices at P.O. Box 3152, RG Hodge Building, Road Town, Tortola, British Virgin Islands.
3. Melvino and ArrivalStar S.A. ("ArrivalStar") own all right, title, and interest in, and have standing to sue for infringement of, United States Patent Nos. 7,030,781 ("the '781 patent"), entitled "Notification System and Method that Informs a Party of Vehicle Delay,"

issued April 18, 2006; United States Patent No. 6,952,645 ("the '645 patent"), entitled "System And Method for Activation of an Advance Notification System for Monitoring and Reporting Status of Vehicle Travel," issued October 4, 2005; and United States Patent No. 6,317,060 ("the '060 patent") entitled "Base Station System and Method for Monitoring Travel of Mobile Vehicles and Communicating Notification Messages," issued November 13, 2001. Copies of the '781, '645, and '060 patents are annexed hereto as Exhibits A, B, and C, respectively.

4. On information and belief, Defendant TransportGistics is a corporation organized and existing under the laws of the State of Delaware.

5. On information and belief, Defendant TransportGistics maintains a corporate headquarters at 4170 Veterans Memorial Highway, Bohemia, New York 11716 USA.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the acts of Congress relating to patents, namely the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, Defendant TransportGistics maintains its corporate headquarters, conducts its business, and maintains equipment that infringes the '781, '645, and '060 claims, all in this District. On information and belief, Defendant TransportGistics solicits business from this district and throughout the State of New York, transacts business and has offered to provide and/or has provided in this judicial district and throughout the State of New York, services that infringe claims of the '781, '645, and '060 patents. On information and belief, Defendant TransportGistics has committed and continues to commit acts of patent

infringement in this district and throughout the State of New York. This Court has personal jurisdiction over Defendant TransportGistics.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 7,030,781

9. Plaintiff ArrivalStar incorporates paragraphs 1-8 as if set forth fully here.

10. Plaintiff ArrivalStar is the owner of the '781 patent. A true and correct copy of the '781 patent is attached as Exhibit A.

11. On information and belief, Defendant TransportGistics has and continues to infringe the '781 patent by making, using, selling and/or offering for sale products or services covered by claims of the '781 patent, including but not limited to its FreightTracing and TRaIDS Web-based tracking systems and automated notification systems, all without Plaintiff ArrivalStar's authorization, in violation of 35 U.S.C. § 271(a).

12. On information and belief, Defendant TransportGistics has and continues to promote, advertise, and instruct customers and potential customers about its products and/or services and how to use its products and/or services, including infringing uses.

13. On information and belief, Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

14. On information and belief, Defendant's actions have and continue to constitute active inducement of and contributory infringement of the '781 patent in violation of 35 U.S.C. § 271(b) and (c).

15. On information and belief, Defendant's infringement of the '781 patent has been and continues to be willful and deliberate.

16. Defendant's infringement of the '781 patent has caused irreparable harm to Plaintiff ArrivalStar and will continue to do so unless enjoined.

**COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 6,952,645**

17. Plaintiff ArrivalStar incorporates paragraphs 1-16 as if set forth fully here.

18. Plaintiff ArrivalStar is the owner of the '645 patent. A true and correct copy of the '645 patent is attached as Exhibit B.

19. On information and belief, Defendant TransportGistics has and continues to infringe the '645 patent by making, using, selling and/or offering for sale products and/or services covered by claims of the '645 patent, including but not limited to its FreightTracing and TRaIDS Web-based tracking systems and automated notification systems, all without Plaintiff ArrivalStar's authorization, in violation of 35 U.S.C. § 271(a).

20. On information and belief, Defendant TransportGistics has and continues to promote, advertise, and instruct customers and potential customers about its products and/or services and how to use its products and/or services, including infringing uses.

21. On information and belief, Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

22. On information and belief, Defendant's actions have and continue to constitute active inducement of and contributory infringement of the '645 patent in violation of 35 U.S.C. § 271(b) and (c).

23. On information and belief, Defendant's infringement of the '645 patent has been and continues to be willful and deliberate.

24. Defendant's infringement of the '645 patent has caused irreparable harm to Plaintiff ArrivalStar and will continue to do so unless enjoined.

**COUNT III:
INFRINGEMENT OF U.S. PATENT NO. 6,317,060**

25. Plaintiff ArrivalStar incorporates paragraphs 1-24 as if set forth fully here.

26. Plaintiff ArrivalStar is the owner of the '060 patent. A true and correct copy of the '060 patent is attached as Exhibit C.

27. On information and belief, Defendant TransportGistics has and continues to infringe the '060 patent by making, using, selling and/or offering for sale products and/or services covered by claims of the '060 patent, including but not limited to its FreightTracing and TRaIDS Web-based tracking systems and automated notification systems, all without Plaintiff ArrivalStar's authorization, in violation of 35 U.S.C. § 271(a).

28. On information and belief, Defendant TransportGistics has and continues to promote, advertise, and instruct customers and potential customers about its products and/or services and how to use its products and/or services, including infringing uses.

29. On information and belief, Defendant's products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

30. On information and belief, Defendant's actions have and continue to constitute active inducement of and contributory infringement of the '060 patent in violation of 35 U.S.C. § 271(b) and (c).

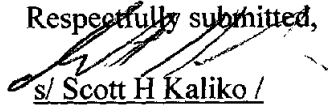
(E) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment and postjudgment interest against Defendant TransportGistics on all monetary sums; and

(F) Such other and further relief as this Court may deem just, equitable, and proper.

Respectfully submitted,

Dated: October 2, 2009

By:

 s/ Scott H Kaliko /

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